

# Amendment to be Proposed

By Rep. Viers at Full Judiciary

This act may be cited as the “South Carolina Law Abiding Citizens Protection Act”.

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16-23-510. (A) Except as provided in subsection (D), no person, whether the person has a concealed weapons permit or not, shall carry a handgun, whether concealed or not, into any of the following places:

(1) a police, sheriff, or highway patrol station or any other law enforcement office or facility;

(2) a detention facility, prison, or jail or any other correctional facility or office;

(3) a courthouse or courtroom;

(4) a polling place on election days;

(5) an office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(6) a school or college athletic event not related to firearms;

(7) a place where the carrying of firearms is prohibited by federal law.

(B) A person who wilfully violates subsection (A) is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court, and shall have any permit issued to him under Article 4, Chapter 31 revoked for five years.

(C) When carrying a handgun, whether concealed or not, a person must inform a law enforcement officer of the fact he is carrying a handgun when an officer (1) identifies himself as a law enforcement officer and (2) requests identification or a driver’s license from a permit holder. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(D) The provisions of this section do not apply to peace officers in the actual discharge of their duties.

SECTION 2 shall be deleted in its entirety.

1

2 SECTION 3. Section 16-23-20 of the 1976 Code, as last amended  
3 by Act 28 of 2007, is further amended to read:

4

5 “Section 16-23-20. (A) It is unlawful for anyone to carry about the  
6 person any handgun, whether concealed or not, with the intent to  
7 use the handgun in furtherance of a crime. The intent to use a  
8 handgun in furtherance of a crime shall not be inferred by the mere  
9 possession, carrying, or concealment of the handgun. Display of a  
10 handgun during the commission of a violent crime is subject to  
11 additional penalty under section 16-23-490.

12 (B) No person may carry a handgun under the age of twenty-one or  
13 in an unconcealed manner, with the following exceptions, unless  
14 otherwise prohibited by law: ~~except as follows, unless otherwise~~  
15 ~~specifically prohibited by law:~~

16 (1) regular, salaried law enforcement officers, and reserve police  
17 officers of a state agency, municipality, or county of the State,  
18 uncompensated Governor’s constables, law enforcement officers  
19 of the federal government or other states when they are carrying  
20 out official duties while in this State, deputy enforcement officers  
21 of the Natural Resources Enforcement Division of the Department  
22 of Natural Resources, and retired commissioned law enforcement  
23 officers employed as private detectives or private investigators;

24 (2) members of the Armed Forces of the United States, the  
25 National Guard, organized reserves, or the State Militia when on  
26 duty;

27 (3) members, or their invited guests, of organizations authorized by  
28 law to purchase or receive firearms from the United States or this  
29 State or regularly enrolled members, or their invited guests, of  
30 clubs organized for the purpose of target shooting or collecting  
31 modern and antique firearms while these members, or their invited  
32 guests, are at or going to or from their places of target practice or  
33 their shows and exhibits;

34 (4) licensed hunters or fishermen who are engaged in hunting or  
35 fishing or going to or from their places of hunting or fishing while  
36 in a vehicle or on foot;

37 (5) a person regularly engaged in the business of manufacturing,  
38 repairing, repossessing, or dealing in firearms, or the agent or  
39 representative of this person, while possessing, using, or carrying a  
40 handgun in the usual or ordinary course of the business;

41 (6) guards authorized by law to possess handguns and engaged in  
42 protection of property of the United States or any agency of the  
43 United States;

1 (7) members of authorized military or civil organizations while  
2 parading or when going to and from the places of meeting of their  
3 respective organizations;  
4 (8) a person in his home or upon his real property or a person who  
5 has the permission of the owner or the person in legal possession  
6 or the person in legal control of the home or real property;  
7 (9) a person in a vehicle if the handgun is:  
8 (a) secured in a closed glove compartment, closed console, closed  
9 trunk, or in a closed container secured by an integral fastener and  
10 transported in the luggage compartment of the vehicle; however,  
11 this item is not violated if the glove compartment, console, or trunk  
12 is opened in the presence of a law enforcement officer for the sole  
13 purpose of retrieving a driver's license, registration, or proof of  
14 insurance; or  
15 (b) concealed on or about his person, and he has a valid concealed  
16 weapons permit pursuant to the provisions of Article 4, Chapter  
17 31, Title 23;  
18 (10) a person carrying a handgun unloaded and in a secure wrapper  
19 from the place of purchase to his home or fixed place of business  
20 or while in the process of changing or moving one's residence or  
21 changing or moving one's fixed place of business;  
22 (11) a prison guard while engaged in his official duties;  
23 (12) a person who is granted a permit under provision of law by  
24 the State Law Enforcement Division to carry a handgun about his  
25 person, under conditions set forth in the permit, and while  
26 transferring the handgun between the permittee's person and a  
27 location specified in item (9);  
28 (13) the owner or the person in legal possession or the person in  
29 legal control of a fixed place of business, while at the fixed place  
30 of business, and the employee of a fixed place of business, other  
31 than a business subject to Section 16-23-465, while at the place of  
32 business; however, the employee may exercise this privilege only  
33 after: (a) acquiring a permit pursuant to item (12), and (b)  
34 obtaining the permission of the owner or person in legal control or  
35 legal possession of the premises;  
36 (14) a person engaged in firearms-related activities while on the  
37 premises of a fixed place of business which conducts, as a regular  
38 course of its business, activities related to sale, repair, pawn,  
39 firearms training, or use of firearms, unless the premises is posted  
40 with a sign limiting possession of firearms to holders of permits  
41 issued pursuant to item (12);

1 (15) a person while transferring a handgun directly from or to a  
2 vehicle and a location specified in this section where one may  
3 legally possess the handgun.

4 (16) Any person on a motorcycle when the pistol is secured in a  
5 closed saddlebag or other similar closed accessory container  
6 attached, whether permanently or temporarily, to the motorcycle.”  
7

8 SECTION 4. Section 16-23-420 of the 1976 Code, as last  
9 amended by Act 32 of 2009, is further amended to read:

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11 “Section 16-23-420. (A) It is unlawful for a person to possess  
12 a firearm of any kind on any premises or property owned,  
13 operated, or controlled by a private or public school, college,  
14 university, technical college, other post-secondary institution, or in  
15 any publicly owned building, without the express permission of the  
16 authorities in charge of the premises or property. The provisions  
17 of this subsection related to any premises or property owned,  
18 operated, or controlled by a private or public school, college,  
19 university, technical college, or other post-secondary institution,  
20 do not apply to a ~~person who is authorized to carry a concealed~~  
21 ~~weapon pursuant to Article 4, Chapter 31, Title 23 when the~~  
22 ~~weapon that remains inside an attended or locked motor vehicle~~  
23 ~~and is secured in a closed glove compartment, closed console,~~  
24 ~~closed trunk, or in a closed container secured by an integral~~  
25 ~~fastener and transported in the luggage compartment of the vehicle~~  
26 ~~and is either unloaded in a motor vehicle as described above or is~~  
27 ~~possessed by a person with a valid permit issued pursuant to~~  
28 ~~Article 4, Chapter 31 and in a motor vehicle as described above,~~  
29 ~~unless otherwise prohibited by federal law.~~

30 (B) It is unlawful for a person to enter the premises or property  
31 described in subsection (A) and to display, brandish, or threaten  
32 others with a firearm.

33 (C) A person who violates the provisions of this section is  
34 guilty of a felony and, upon conviction, must be fined not more  
35 than five thousand dollars or imprisoned not more than five years,  
36 or both.

37 (D) This section does not apply to a guard, law enforcement  
38 officer, or member of the armed forces, or student of military  
39 science. A married student residing in an apartment provided by  
40 the private or public school whose presence with a weapon in or  
41 around a particular building is authorized by persons legally  
42 responsible for the security of the buildings is also exempted from  
43 the provisions of this section.

1 (E) For purposes of this section, the terms ‘premises’ and  
2 ‘property’ do not include state or locally owned or maintained  
3 roads, streets, or rights-of-way of them, running through or  
4 adjacent to premises or property owned, operated, or controlled by  
5 a private or public school, college, university, technical college, or  
6 other post-secondary institution, which are open full time to public  
7 vehicular traffic.

8 (F) This section does not apply to ~~a person who is authorized to~~  
9 ~~carry concealed weapons pursuant to Article 4, Chapter 31 of Title~~  
10 ~~23 when upon~~ any premises, property, or building that is part of an  
11 interstate highway rest area facility.”

12

13 SECTION 5. Section 16-23-430 of the 1976 Code, as last  
14 amended by Act 32 of 2009, is further amended to read:

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16 “Section 16-23-430. (A) It shall be unlawful for any person,  
17 except state, county, or municipal law enforcement officers or  
18 personnel authorized by school officials, to carry on his person,  
19 while on any elementary or secondary school property, a knife,  
20 with a blade over two inches long, a blackjack, a metal pipe or  
21 pole, firearms, or any other type of weapon, device, or object  
22 which may be used to inflict bodily injury or death.

23 (B) This section does not apply to ~~a person who is authorized to~~  
24 ~~carry a concealed weapon pursuant to Article 4, Chapter 31, Title~~  
25 ~~23 when the~~ weapon that remains inside an attended or locked  
26 motor vehicle, and is secured in a closed glove compartment,  
27 closed console, closed trunk, or in a closed container secured by an  
28 integral fastener and transported in the luggage compartment of the  
29 vehicle, and, in the case of a firearm, is either unloaded in a motor  
30 vehicle as described above or is possessed by a person with a valid  
31 permit issued pursuant to Article 4, Chapter 31 and in a motor  
32 vehicle as described above, unless otherwise prohibited by federal  
33 law.

34 (C) A person who violates the provisions of this section is  
35 guilty of a felony and, upon conviction, must be fined not more  
36 than one thousand dollars or imprisoned not more than five years,  
37 or both. Any weapon or object used in violation of this section  
38 may be confiscated by the law enforcement division making the  
39 arrest.”

40

41 SECTION 6. Section 16-23-460 of the 1976 Code, as last  
42 amended by Act 337 of 2008, is further amended to read:

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1 “Section 16-23-460. ~~(A)~~ A person carrying a deadly weapon  
2 ~~usually used for the infliction of personal injury~~ concealed about  
3 his person with the intent to use the weapon in furtherance of a  
4 crime is guilty of a misdemeanor, must forfeit to the county, or, if  
5 convicted in a municipal court, to the municipality, the concealed  
6 weapon, and must be fined not less than two hundred dollars nor  
7 more than five hundred dollars or imprisoned not less than thirty  
8 days nor more than ninety days. The intent to use a weapon in  
9 furtherance of a crime shall not be inferred by the mere possession,  
10 carrying, or concealment of the weapon, including the possession,  
11 carrying or concealment of a loaded or unloaded firearm. In the  
12 case of handguns, a person must comply with section 16-23-20.

13  
14 (B) The provisions of this section do not apply to:

15 ~~(1) A person carrying a concealed weapon upon his own~~  
16 ~~premises or pursuant to and in compliance with Article 4, Chapter~~  
17 ~~31 of Title 23; or~~

18 ~~(2) peace officers in the actual discharge of their duties.~~

19 (C) The provisions of this section also do not apply to rifles,  
20 shotguns, dirks, slingshots, metal knuckles, knives, or razors  
21 unless they are used with the intent to commit a crime or in  
22 furtherance of a crime.”

23  
24  
25 SECTION 7. Section 16-23-465 of the 1976 Code, as last  
26 amended by Act 274 of 2002, is further amended to read:

27  
28 “Section 16-23-465. ~~In addition to the penalties provided for by~~  
29 ~~Sections 16-11-330 and 16-23-460 and by Article 1 of Chapter 23~~  
30 ~~of Title 16, a person convicted of carrying a pistol or firearm into a~~  
31 ~~business which sells alcoholic liquor, beer, or wine for~~  
32 ~~consumption on the premises is guilty of a misdemeanor and, upon~~  
33 ~~conviction, must be fined not more than two thousand dollars or~~  
34 ~~imprisoned not more than three years, or both.~~

35 ~~In addition to the penalties described above, a person who~~  
36 ~~violates this section while carrying a concealable weapon pursuant~~  
37 ~~to Article 4, Chapter 31, Title 23, must have his concealed weapon~~  
38 ~~permit revoked. In addition to the penalties provided for by~~  
39 Sections 16-11-620 and 23-31-220, a person is guilty of a  
40 misdemeanor, and, upon conviction must be fined not more than  
41 two thousand dollars or imprisoned not more than two years, or  
42 both, when the person:

1 (1) carries a firearm into any business which sells alcoholic  
2 liquor, beer, or wine for consumption on the premises and which at  
3 the time of the offense was clearly and conspicuously posted in  
4 accordance with Section 23-31-220;

5 (2) carries a firearm in any business which sells alcoholic  
6 liquor, beer, or wine for consumption on the premises and refuses  
7 to leave or to remove the firearm from the premises when asked to  
8 do so by a person legally in control of the premises; or

9 (3) consumes alcohol while carrying a firearm in any business  
10 which sells alcoholic liquor, beer, or wine for consumption on the  
11 premises.”

12

13 SECTION 8. Section 23-31-215 of the 1976 Code, as last  
14 amended by Act 349 of 2008, is further amended to read:

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16 “Section 23-31-215. (A) Notwithstanding any other provision  
17 of law, except ~~subject to~~ subsection (B) of this section, SLED must  
18 issue a permit, which is no larger than three and one-half inches by  
19 three inches in size, to carry a concealable weapon to a resident or  
20 qualified nonresident who is at least twenty-one years of age and  
21 who is not prohibited by state law from possessing the weapon  
22 upon submission of:

23 (1) a completed application signed by the person;

24 (2) one current full face color photograph of the person, not  
25 smaller than one inch by one inch nor larger than three inches by  
26 five inches;

27 (3) proof of residence or if the person is a qualified  
28 nonresident, proof of ownership of real property in this State;

29 (4) proof of actual or corrected vision rated at 20/40  
30 within six months of the date of application or, in the case of a  
31 person licensed to operate a motor vehicle in this State,  
32 presentation of a valid driver’s license;

33 (5) proof of training;

34 (6) payment of a fifty-dollar application fee. This fee must  
35 be waived for disabled veterans and retired law enforcement  
36 officers; and

37 (7) a complete set of fingerprints unless, because of a  
38 medical condition verified in writing by a licensed medical doctor,  
39 a complete set of fingerprints is impossible to submit. In lieu of  
40 the submission of fingerprints, the applicant must submit the  
41 written statement from a licensed medical doctor specifying the  
42 reason or reasons why the applicant’s fingerprints may not be  
43 taken. If all other qualifications are met, the Chief of SLED may

1 waive the fingerprint requirements of this item. The statement of  
2 medical limitation must be attached to the copy of the application  
3 retained by SLED. A law enforcement agency may charge a fee  
4 not to exceed five dollars for fingerprinting an applicant.

5 (B) Upon submission of the items required by subsection (A) of  
6 this section, SLED must conduct or facilitate a local, state, and  
7 federal fingerprint review of the applicant. SLED must also  
8 conduct a background check of the applicant through notification  
9 to and input from the sheriff of the county where the applicant  
10 resides or if the applicant is a qualified nonresident, where the  
11 applicant owns real property in this State. The sheriff within ten  
12 working days after notification by SLED, must submit a  
13 recommendation on an application. Before making a  
14 determination whether or not to issue a permit under this article,  
15 SLED must consider the recommendation provided pursuant to  
16 this subsection. The failure of the sheriff to submit a  
17 recommendation within the ten-day period constitutes a favorable  
18 recommendation for the issuance of the permit to the applicant. If  
19 the fingerprint review and background check are favorable, SLED  
20 must issue the permit.

21 (C) SLED shall issue a written statement to an unqualified  
22 applicant specifying its reasons for denying the application within  
23 ninety days from the date the application was received; otherwise,  
24 SLED shall issue a concealable weapon permit. If an applicant is  
25 unable to comply with the provisions of Section 23-31-210(4),  
26 SLED shall offer the applicant a handgun training course that  
27 satisfies the requirements of Section 23-31-210(4)(a). The course  
28 shall cost fifty dollars. SLED shall use the proceeds to defray the  
29 training course's operating costs. If a permit is granted by  
30 operation of law because an applicant was not notified of a denial  
31 within the ninety-day notification period, the permit may be  
32 revoked upon written notification from SLED that sufficient  
33 grounds exist for revocation or initial denial.

34 (D) Denial of an application may be appealed. The appeal must  
35 be in writing and state the basis for the appeal. The appeal must be  
36 submitted to the Chief of SLED within thirty days from the date  
37 the denial notice is received. The chief shall issue a written  
38 decision within ten days from the date the appeal is received. An  
39 adverse decision shall specify the reasons for upholding the denial  
40 and may be reviewed by the Administrative Law Judge Division  
41 pursuant to Article 5, Chapter 23 of Title 1, upon a petition filed by  
42 an applicant within thirty days from the date of delivery of the  
43 division's decision.

1 (E) SLED must make permit application forms available to the  
2 public. A permit application form shall require an applicant to  
3 supply:

- 4 (1) name, including maiden name if applicable;
- 5 (2) date and place of birth;
- 6 (3) sex;
- 7 (4) race;
- 8 (5) height;
- 9 (6) weight;
- 10 (7) eye and hair color;
- 11 (8) current residence address, or if the applicant is a  
12 qualified nonresident, current residence address and where the  
13 applicant owns real property in this State; and
- 14 (9) all residence addresses for the three years preceding the  
15 application date.

16 (F) The permit application form shall require the applicant to  
17 certify that:

- 18 (1) he is not a person prohibited under state law from  
19 possessing a weapon;
- 20 (2) he understands the permit is revoked and must be  
21 surrendered immediately to SLED if the permit holder becomes a  
22 person prohibited under state law from possessing a weapon;
- 23 (3) he is a resident of this State, is military personnel on  
24 permanent change of station orders, or is a qualified nonresident;  
25 and
- 26 (4) all information contained in his application is true and  
27 correct to the best of his knowledge.

28 (G) Medical personnel, law enforcement agencies,  
29 organizations offering handgun education courses pursuant to  
30 Section 23-31-210(4)(a), and their personnel, who in good faith  
31 provide information regarding a person's application, must be  
32 exempt from liability that may arise from issuance of a permit;  
33 provided, however, a weapons instructor must meet the  
34 requirements established in Section 23-31-210(4)(b), (c), (d), (e),  
35 or (f) in order to be exempt from liability under this subsection.

36 (H) A permit application must be submitted in person or by  
37 mail to SLED headquarters which shall verify the legibility and  
38 accuracy of the required documents.

39 (I) SLED must maintain a list of all permit holders and the  
40 current status of each permit. SLED may release the list of permit  
41 holders or verify an individual's permit status only if the request is  
42 made by a law enforcement agency to aid in an official  
43 investigation, or if the list is required to be released pursuant to a

1 subpoena or court order. SLED may charge a fee not to exceed its  
2 costs in releasing the information under this subsection. Except as  
3 otherwise provided in this subsection, a person in possession of a  
4 list of permit holders obtained from SLED must destroy the list.

5 (J) A permit is valid statewide unless revoked because the  
6 person has:

7 (1) become a person prohibited under state law from  
8 possessing a weapon;

9 (2) moved his permanent residence to another state and no  
10 longer owns real property in this State;

11 (3) voluntarily surrendered the permit; or

12 (4) been charged with an offense that, upon conviction,  
13 would prohibit the person from possessing a firearm. However, if  
14 the person subsequently is found not guilty of the offense, then his  
15 permit must be reinstated at no charge.

16 Once a permit is revoked, it must be surrendered to a sheriff,  
17 police department, a SLED agent, or by certified mail to the Chief  
18 of SLED. A person who fails to surrender his permit in  
19 accordance with this subsection is guilty of a misdemeanor and,  
20 upon conviction, must be fined twenty-five dollars.

21 ~~(K) A permit holder must have his permit identification card in~~  
22 ~~his possession whenever he carries a concealable weapon.~~ When  
23 carrying a concealable weapon pursuant to Article 4 of Chapter 31  
24 of Title 23, a permit holder must inform a law enforcement officer  
25 of the fact that he is a permit holder and present the permit  
26 identification card when an officer (1) identifies himself as a law  
27 enforcement officer and (2) requests identification or a driver's  
28 license from a permit holder. A permit holder immediately must  
29 report the loss or theft of a permit identification card to SLED  
30 headquarters. A person who violates the provisions of this  
31 subsection is guilty of a misdemeanor and, upon conviction, must  
32 be fined twenty-five dollars.

33 (L) SLED shall issue a replacement for lost, stolen, damaged,  
34 or destroyed permit identification cards after the permit holder has  
35 updated all information required in the original application and the  
36 payment of a five-dollar replacement fee. Any change of  
37 permanent address must be communicated in writing to SLED  
38 within ten days of the change accompanied by the payment of a fee  
39 of five dollars to defray the cost of issuance of a new permit.  
40 SLED shall then issue a new permit with the new address. A  
41 permit holder's failure to notify SLED in accordance with this  
42 subsection constitutes a misdemeanor punishable by a twenty-five  
43 dollar fine. The original permit shall remain in force until receipt

1 of the corrected permit identification card by the permit holder, at  
2 which time the original permit must be returned to SLED.

3 ~~(M) A permit issued pursuant to this section does not authorize  
4 a permit holder to carry a concealable weapon into a:~~

5 ~~(1) police, sheriff, or highway patrol station or any other law  
6 enforcement office or facility;~~

7 ~~(2) detention facility, prison, or jail or any other correctional  
8 facility or office;~~

9 ~~(3) courthouse or courtroom;~~

10 ~~(4) polling place on election days;~~

11 ~~(5) office of or the business meeting of the governing body  
12 of a county, public school district, municipality, or special purpose  
13 district;~~

14 ~~(6) school or college athletic event not related to firearms;~~

15 ~~(7) daycare facility or pre-school facility;~~

16 ~~(8) place where the carrying of firearms is prohibited by  
17 federal law;~~

18 ~~(9) church or other established religious sanctuary unless  
19 express permission is given by the appropriate church official or  
20 governing body; or~~

21 ~~(10) hospital, medical clinic, doctor's office, or any other  
22 facility where medical services or procedures are performed unless  
23 expressly authorized by the employer.~~

24 ~~A person who wilfully violates a provision of this subsection is  
25 guilty of a misdemeanor and, upon conviction, must be fined not  
26 less than one thousand dollars or imprisoned not more than one  
27 year, or both, at the discretion of the court and have his permit  
28 revoked for five years.~~

29 Nothing contained herein may be construed to alter or affect the  
30 provisions of Sections 10-11-320, 16-23-420, 16-23-430,  
31 16-23-465, 16-23-510, 44-23-1080, 44-52-165, 50-9-830, and  
32 51-3-145, unless specifically provided in the section.

33 (N) Valid out-of-state permits to carry concealable weapons  
34 held by a resident of a reciprocal state must be honored by this  
35 State, provided, that the reciprocal state requires an applicant to  
36 successfully pass a criminal background check and a course in  
37 firearm training and safety. A resident of a reciprocal state  
38 carrying a concealable weapon in South Carolina is subject to and  
39 must abide by the laws of South Carolina regarding concealable  
40 weapons. SLED shall maintain and publish a list of those states as  
41 the states with which South Carolina has reciprocity.

42 (O) A permit issued pursuant to this article is not required for a  
43 person:

1       (1) ~~specified in Section 16-23-20, items (1) through (5) and~~  
2 ~~items (7) through (11);~~

3       (2) ~~carrying a self-defense device generally considered to be~~  
4 ~~nonlethal including the substance commonly referred to as “pepper~~  
5 ~~gas”;~~

6       ~~(3) carrying a concealable weapon in a manner not~~  
7 ~~prohibited by law.~~

8       (P) A permit issued pursuant to this article is valid for four  
9 years. Subject to subsection (Q) of this section, SLED shall renew  
10 a currently valid permit upon:

11       (1) payment of a fifty-dollar renewal fee by the applicant.  
12 This fee must be waived for disabled veterans and retired law  
13 enforcement officers;

14       (2) completion of the renewal application; and

15       (3) submission of a photocopy of the applicant’s valid South  
16 Carolina driver’s license or South Carolina identification card, or if  
17 the applicant is a qualified nonresident, a photocopy of the  
18 applicant’s valid driver’s license or identification card issued by  
19 the state in which the applicant resides.

20       (Q) Upon submission of the items required by subsection (P) of  
21 this section, SLED must conduct or facilitate a local, state, and  
22 federal fingerprint review of the applicant. If the background  
23 check is favorable reveals no information which would be  
24 disqualifying under the provisions of this section, SLED must  
25 renew the permit.

26       (R) No provision contained within this article shall expand,  
27 diminish, or affect the duty of care owed by and liability accruing  
28 to, as may exist at law immediately before the effective date of this  
29 article, the owner of or individual in legal possession of real  
30 property for the injury or death of an invitee, licensee, or trespasser  
31 caused by the use or misuse by a third party of a concealable  
32 weapon. Absence of a sign prohibiting concealable weapons shall  
33 not constitute negligence or establish a lack of duty of care.

34       (S) Once a concealed weapon permit holder is no longer a  
35 resident of this State or is no longer a qualified nonresident, his  
36 concealed weapon permit is void, and immediately must be  
37 surrendered to SLED.

38       (T) During the first quarter of each calendar year, SLED must  
39 publish a report of the following information regarding the  
40 previous calendar year:

41       (1) the number of permits;

42       (2) the number of permits that were issued;

43       (3) the number of permit applications that were denied;

1 (4) the number of permits that were renewed;  
2 (5) the number of permit renewals that were denied;  
3 (6) the number of permits that were suspended or revoked;  
4 and  
5 (7) the name, address, and county of a person whose permit  
6 was revoked, including the reason for the revocation under Section  
7 23-31-215(J)(1).  
8 The report must include a breakdown of such information by  
9 county.”

10  
11 SECTION 9. Section 23-31-220 of the 1976 Code is amended to  
12 read:

13  
14 “Section 23-31-220. Nothing contained in this article shall in  
15 any way be construed to limit, diminish, or otherwise infringe  
16 upon:

17 (1) the right of a public or private employer to prohibit a  
18 person, including a person who is licensed under this article, from  
19 carrying a concealable weapon upon the premises of the business  
20 or work place or while using any machinery, vehicle, or equipment  
21 owned or operated by the business;

22 (2) the right of a private property owner or person in legal  
23 possession or control of private property to allow or prohibit the  
24 carrying of a concealable weapon including a person who  
25 possesses a concealable weapon permit, upon his premises.

26 The posting by the employer, owner, or person in legal  
27 possession or control of a sign stating ‘No Concealable Weapons  
28 Allowed’ shall constitute notice to a person, including a person  
29 holding a permit issued pursuant to this article, that the employer,  
30 owner, or person in legal possession or control requests that  
31 concealable weapons not be brought upon the premises or into the  
32 work place. A person who brings a concealable weapon onto the  
33 premises or work place in violation of the provisions of this  
34 paragraph may be charged with a violation of Section 16-11-620.  
35 In addition to the penalties provided in Section 16-11-620, a  
36 person convicted of a second or subsequent violation of the  
37 provisions of this paragraph must have ~~his~~ any permit issued to  
38 him pursuant to this article revoked for a period of one year. The  
39 prohibition contained in this section does not apply to ~~persons~~  
40 ~~specified in Section 16-23-20, item (1)~~ peace officers engaged in  
41 the lawful performance of their official duties.”

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43 SECTION 10 shall be deleted in its entirety.

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SECTION 11. Section 23-31-130, 23-31-150, and 23-31-180 of the 1976 Code are repealed.

SECTION 12. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this severability, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor.

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